

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

Case No. 1:24-MJ-184

PEDRO TULIO ARIAS,
a/k/a: "Pedro Arias Rivas,"
a/k/a: "Pedro Tulio Arias Rivas,"
a/k/a: "Tulio Arias Rivas,"

Defendant.

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Eben Morris, being duly sworn, depose and state:

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement (ICE) in Fairfax County, Virginia. I have been employed with ICE for more than six years. I was previously employed as a Patrol Agent for the United States Border Patrol beginning in September 2007. I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code, "Aliens and Nationality."

2. My duties as a Deportation Officer with ICE include: investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code, "Aliens and Nationality;" and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code, "Aliens and Nationality."

3. This affidavit is submitted in support of a criminal complaint and arrest warrant for PEDRO TULIO ARIAS (hereafter referred to as ARIAS), also known as "Pedro Arias

Rivas," "Pedro Tulio Arias Rivas," and "Tulio Arias Rivas," an alien who was found in the United States after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, subsequent to a conviction for commission of a felony, in violation of Title 8, United States Code, Section 1326(a) & (b)(1).

4. The facts and information contained in this affidavit are based upon my training, experience, personal knowledge, and observations during this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, but it is not intended to include every fact and matter observed by me or known to the United States.

SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE

5. On or about August 10, 2023, ICE learned that ARIAS had been detained at the Fairfax County Adult Detention Center in Fairfax, Virginia, within the Eastern District of Virginia. On or about August 9, 2023, the Fairfax County Police Department arrested ARIAS for violating Section 18.2-282 of the Virginia Code, "Pointing, holding or brandishing firearm, air or gas operated weapon or object similar in appearance"

6. ICE performed records checks that confirmed that ARIAS is a native and citizen of El Salvador who was most recently removed from the United States on or about October 13, 2020, at or near Alexandria, Louisiana. ARIAS did not have legal authorization to reenter or remain in the United States.

7. I requested the fingerprint card and booking photograph from ARIAS' arrest in Fairfax County on or about August 9, 2023, from the FBI Special Processing Center for Biometric Technology. ARIAS' fingerprint card was electronically processed through ICE

indices containing fingerprint records of known and previously deported aliens. This system is also integrated with the criminal records maintained by the FBI and is commonly referred to as Next Generation Identification (NGI). Results of this query showed positive matches to ARIAS and his FBI number. Additionally, a photographic image of ARIAS was returned from this query that showed that he had previously been apprehended by United States Department of Homeland Security enforcement officers.

8. I reviewed ARIAS' immigration file maintained by U.S. Citizenship and Immigration Services. The file, also known as an alien file, revealed that ARIAS is a citizen and national of El Salvador. The file contained an executed ICE Form I-205, Warrant of Removal/Deportation, dated August 3, 2020, bearing ARIAS' photograph and fingerprint. The signature block stated that ARIAS "[r]efused to sign." This form indicated that ARIAS was removed from the United States on October 13, 2020, from Alexandria, Louisiana.

9. On May 1, 2024, I asked the FBI Special Processing Center for Biometric Technology to compare the fingerprints obtained in connection with ARIAS' arrest in Fairfax County with ARIAS' fingerprint on the ICE Form I-205, which was executed on October 13, 2020. The FBI successfully matched all the submitted fingerprints to ARIAS and his FBI number.

10. ARIAS' alien file lacks evidence of any immigration benefit, document, or status that would allow him to legally enter, be admitted, pass through, or reside in the United States. Further, ARIAS has not obtained permission from the Attorney General or the Secretary of the Department of Homeland Security to reenter the United States following his formal removal.

11. As part of this investigation, I reviewed ARIAS' criminal history, which reflects a number of convictions, including a felony conviction in the United States District Court in

Alexandria, Virginia. More specifically, on or about October 21, 2011, ARIAS was convicted of Felony Re-entry After Deportation in violation of Title 8, United States Code, Section 1326(a).

CONCLUSION

12. Based on the foregoing, I submit that there is probable cause to believe that on or about August 10, 2023, in Fairfax County, Virginia, within the Eastern District of Virginia, PEDRO TULIO ARIAS, an alien who had been arrested and deported from the United States on or about October 13, 2020, at or near Alexandria, Louisiana, subsequent to a conviction for commission of a felony, did knowingly and unlawfully re-enter the United States and was found in the United States, within the Eastern District of Virginia, without having obtained the express consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission to the United States.

Respectfully submitted,

**EBEN J
MORRIS**


Digitally signed by EBEN J
MORRIS
Date: 2024.05.09 17:03:32
-04'00'

Eben Morris
Deportation Officer
U.S. Immigration and Customs Enforcement

Respectfully submitted and attested to in
accordance with the requirements of Fed. R.
Crim. P. 4.1 by telephone on May 10, 2024.

William E. Fitzpatrick

The Honorable William E. Fitzpatrick
United States Magistrate Judge
Alexandria, Virginia